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## FACSIMILE TRANSMITTAL SHEET

TO:	FROM:
Examiner Joseph A. Fischetti / Art Unit 3627	John J. Torrente
COMPANY:	DATE:
United States Patent & Trademark Office	November 8, 2004
FAX NUMBER:	TOTAL NO. OF PAGES INCLUDING COVER:
(703) 872-9306	3
PHONE NUMBER:	SENDER'S REFERENCE NUMBER:
	B588-025 (25815.025)
RE:	YOUR REFERENCE NUMBER:
Response to Restriction Requirement	09/991,620

☐ URGENT ☒ FOR REVIEW ☐ PLEASE COMMENT ☐ PLEASE REPLY ☐ PLEASE RECYCLE

## NOTES/COMMENTS:

We are forwarding herewith: Facsimile Transmittal Sheet; Response to Restriction Requirement in the application of Hideki Tanaka for ORDER-ACCEPTANCE MANAGEMENT APPARATUS AND METHOD, Serial No. 09/991,620 filed November 5, 2001; in Group 3627.

Respectfully submitted,

*John J. Torrente*  
John J. Torrente  
Reg. No. 26359  
Attorney for Applicant

25815/025/652759.1

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John J. Torrente

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Hideki Tanaka  
Serial No.: 09/991,620  
For: ORDER-ACCEPTANCE MANAGEMENT APPARATUS AND METHOD  
Filed: November 5, 2001  
Examiner: Joseph A. Fischetti  
Art Unit: 3627

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the restriction requirement in the Office Action dated October 8, 2004, applicant provisionally elects, for further prosecution in the subject application the invention of the Group I claims, i.e., claims 1 and 3-9. Applicant further respectfully traverses the Examiner's restriction requirement.

Applicant notes that 35 USC § 121 allows the Commissioner to restrict an application to one invention if two or more independent and distinct inventions are claimed in the application. Section 802.01 of the MPEP states that the term "distinct" means that "two or more subjects as disclosed are related, for example, as combination and part (subcombination) thereof, process and apparatus for its practice, process and product made, etc. but are capable of separate manufacture, use, or sale as claimed, AND ARE PATENTABLE (novel and

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unobvious) OVER EACH OTHER (through they may each be unpatentable because of the prior art)."


It is believed clear that the apparatus of the Group I claims, the method of the Group II claims, the storage medium of the Group III claims and the computer program of the Group IV claims are related to one another in that the claims recite substantially like features. It also believed evident that because of reciting such like features the claims are not patentable over each other. The Groups of claims, therefore, do not claim independent and distinct inventions, as required by 35 USC § 121.

Accordingly, applicant's submit that the Examiner's requirement for restriction is in error and should be withdrawn.

Dated: November 8, 2004

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Respectfully submitted,

  
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